

IN THE UNITED STATES JUDICIAL DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

CPI SECURITY SYSTEMS, INC.,

Plaintiff,

V.

CIVIL ACTION NO.

VIVINT SMART HOME, INC.

3:20-CV-00504-FDW-DSC

f/k/a Mosaic Acquisition

Corp.; and LEGACY VIVINT

SMART HOME, INC., f/k/a

Vivint Smart Home, Inc.

Defendants.

Defendants.

VIDEOTAPED DEPOSITION OF

JOSHUA CRITTENDEN

DATE: Thursday, December 16, 2021

TIME: 4:08 p.m.

LOCATION: Remote Proceeding

Durham, North Carolina 27705

REPORTED BY: Joshua Seagondollar, Notary Public

JOB NO.: 4997856

	Page 2		Page 4
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<p style="text-align: right;">Page 6</p> <p>1 P R O C E E D I N G S 2 MR. EBLEN: Matt, do we want to 3 stipulate just to proceed without the read-on, and we 4 can get the witness sworn in and going? 5 MR. STEWARD: Yes, please. I -- just, 6 I've got a hard stop at four. 7 MR. EBLEN: Okay. 8 MR. STEWARD: So yes. 9 THE REPORTER: All right, then. 10 Please raise your right hand. 11 WHEREUPON, 12 JOSHUA CRITTENDEN, 13 called as a witness, and having been first duly sworn 14 to tell the truth, the whole truth and nothing but the 15 truth, was examined and testified as follows: 16 THE REPORTER: Thank you. Counsel, you 17 may proceed. 18 EXAMINATION 19 BY MR. EBLEN: 20 Q Could you introduce yourself, please, for 21 the jury? 22 A Yes. This is Josh Crittenden. 23 Q And, Mr. Crittenden, what's your position at 24 Vivint? 25 A Currently a senior vice president of sales</p>	<p style="text-align: right;">Page 8</p> <p>1 A Yes. We have a team that is, curates the 2 videos and, and films in the, or our sales leaders 3 films videos. Yes. 4 Q Are you involved in that process? 5 A Yes. Not, not in every video, and, you 6 know, scripting everything, but yes. That's, that 7 team does report to me. 8 Q So you're able to have some influence over 9 the content of the training videos for the sales 10 force. Is that fair? 11 A Yes. It's a collaboration with the sales, 12 the field, our legal teams. It's pretty 13 collaborative, but there's a lot of people that have a 14 hand in that. 15 Q Are you involved in any direct sales 16 training to the sales force? And when I say direct, 17 do you provide any in-person training to anyone within 18 the sales organization? 19 A Yeah. Throughout the, the year I'll 20 travel and visit teams. Usually it's motivational, 21 informational. You know, most of the sales training 22 on how to approach a customer, how to sell the 23 customer, are done by our sales leaders in the field. 24 Q And when you say sales leaders in the field, 25 that would be the regional managers and the managers.</p>
<p style="text-align: right;">Page 7</p> <p>1 and direct-to-home organization. 2 Q Could you give us just an outline of your 3 work history at Vivint? 4 A Yeah. I came to Vivint a little over five 5 years ago, and I've held various positions in the 6 sales organization. And about, approximately about a 7 year ago, and I'm in the current position where I'm 8 the vice president over our sales and direct to home. 9 So multiple sales channels, like, specifically over 10 our direct-to-home sales channel. 11 Q Have you ever sold door to door for Vivint? 12 A Not for Vivint. No. 13 Q With any other security company? 14 A No. Not security industry. No. 15 Q What are your current job duties? 16 A So -- across my organization, really 17 everything that it entails to support the sales force 18 and sending 4,000 sales reps out to summer. So we 19 have a housing department. We have a department that 20 covers, has assets for the sales reps and, well, 21 physical iPads and sales slicks, pay scales. 22 Everything that the sales force needs to be supported 23 to do their job. 24 Q Are you involved in the training of the 25 sales force?</p>	<p style="text-align: right;">Page 9</p> <p>1 Is that fair? 2 A That's correct. 3 Q How many manager -- or how many regional 4 managers are there at Vivint right now? 5 A So we have, we're ranging from 50 to 60 6 depending on how you classify it but all varying in 7 size of how many teams and sales reps they're 8 responsible for. 9 Q And as I understand the process, managers 10 and regional managers are also involved in recruiting 11 new representatives to Vivint. Is that accurate? 12 A Yes. 13 Q And are you also involved in some of the 14 video and social media content that's used to recruit 15 new sales representatives? 16 MR. STEWARD: Objection. Form. 17 Foundation. 18 If you -- Mr. Crittenden, from time to 19 time I may lodge an objection for the record. Unless 20 I instruct you not to answer, and if you still have 21 the question in mind, go ahead and answer. Sometimes 22 it's disruptive, and I apologize for that, and 23 sometimes it causes the witness to no longer have the 24 question in mind. And you're free to ask Mr. Eblen to 25 re-ask it if that's the case.</p>

<p style="text-align: right;">Page 10</p> <p>1 THE WITNESS: That's okay. Yeah. So 2 there's a variety of content that we create to, for 3 recruiting. And so, yes, I'm involved in with that, 4 but we have video teams, we have training teams, and 5 the sales forces involved, so I, I do put, but do have 6 a role in that. Correct.</p> <p>7 BY MR. EBLEN:</p> <p>8 Q And as I understand it, individual regional 9 managers can also create some of their own material to 10 help recruit new Vivint sales reps. Is that accurate?</p> <p>11 A Yes.</p> <p>12 Q But some of that is done, from time to time, 13 on social media. Correct?</p> <p>14 A Correct. We don't control our sales reps' 15 social media pages specifically, so there's content 16 that, you know, we don't have involvement in. But 17 yes. You know, each of our sales reps often post on 18 their individual personal pages that we don't have the 19 ability to control.</p> <p>20 Q And as I also understand it, compensation 21 for managers is influenced somewhat by how well their, 22 or how productive their sales recruits are during a 23 typical year. Is that accurate?</p> <p>24 A Their compensation is driven by the number 25 of accounts that their, their downline and their sales</p>	<p style="text-align: right;">Page 12</p> <p>1 A No. There's no compensation tied to, to 2 signing somebody up to do summer sale, our sales 3 program. The compensation's based on the overall 4 production and quality of that production of their 5 teams.</p> <p>6 Q What did you do to prepare for your 7 deposition today?</p> <p>8 A I had actually a pretty busy day, but I've 9 spoken to our attorney, Kent, to ask him what --</p> <p>10 MR. STEWARD: Wait, wait, wait, Josh. 11 Josh. Josh. You can tell Mr. Eblen that you spoke 12 with Mr. Hansen, but I do not want you to reveal any 13 of the content of that discussion.</p> <p>14 THE WITNESS: Sorry.</p> <p>15 BY MR. EBLEN:</p> <p>16 Q Did you do anything else to prepare?</p> <p>17 A I have not.</p> <p>18 Q Were you provided --</p> <p>19 MR. HANSEN: So --</p> <p>20 MR. EBLEN: Go ahead.</p> <p>21 MR. HANSEN: -- Matt -- part of 22 conversation as well.</p> <p>23 MR. EBLEN: What's that?</p> <p>24 MR. HANSEN: This is Kent. I'll 25 interject that Matt was part of the conversation as</p>
<p style="text-align: right;">Page 11</p> <p>1 teams produce, not necessarily the productivity of 2 each individual rep but in, in whole.</p> <p>3 Q How many sales representatives are under the 4 umbrella of some of the, you know, say the top three 5 regional teams?</p> <p>6 MR. STEWARD: Objection. Form. 7 Foundation.</p> <p>8 A So we'll have -- again, we have some -- 9 they, they range in size, so the largest would have, 10 potentially, up to a hundred or several hundred in 11 their, their overview.</p> <p>12 Q Do you have any idea in what the rough 13 average is for the size of a regional team?</p> <p>14 A A regional team -- again, they, they vary in 15 size. You can go through exactly how the 16 organization's structured, but there'll be anywhere 17 from two to three teams, and teams constitute of 18 anywhere from 20 to 50 sales representatives. 19 Regional manager could have 3 and high as, you know, 20 10, 20. So we have -- again, there, there's varying 21 sizes of when you call, to refer to someone as a 22 regional. A regional is anyone who manages, you know, 23 multiple teams.</p> <p>24 Q Are managers compensated simply for 25 recruiting a new sales representative?</p>	<p style="text-align: right;">Page 13</p> <p>1 well.</p> <p>2 MR. EBLEN: Okay. All right.</p> <p>3 BY MR. EBLEN:</p> <p>4 Q At any point in time were you provided with 5 a spreadsheet, an Excel spreadsheet, that has 6 hyperlinks to some Vimeo training videos?</p> <p>7 A I believe Mr. Hansen -- I, he, I saw it on 8 his computer. I believe he may have sent it to me. I 9 have not had a, the opportunity to review it yet, so I 10 apologize. I've not reviewed that.</p> <p>11 Q Are you generally familiar with the content 12 of the training videos that are up on the Vivint Vimeo 13 site?</p> <p>14 A Generally, yes. I, I think there's, 15 there's, there's a lot on there, so you would have to 16 reference specific ones, and we could, we could see, 17 but I think generally, yes.</p> <p>18 Q You did look at the spreadsheet, though, 19 that was provided in connection with this case that 20 has a hyperlink to a number of videos that go back 21 three or four years.</p> <p>22 A I, I did not review every, every line in 23 that. I know Kent had that in reference that he had, 24 which he provided, and I have not reviewed all of 25 those videos or, or read through all of them, though.</p>

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<p style="text-align: right;">Page 14</p> <p>1 Q Let me go ahead and share my screen with 2 you, here. 3 A Okay. 4 Q All right. Mr. Crittenden, are you able to 5 see the spreadsheet that's in front of you? 6 A Yes. 7 Q And does the form of that look similar to 8 what you reviewed to prepare for your deposition? 9 A Yes. I believe that is. 10 Q And I'm just going to scroll through here. 11 The way it looks like this is broken down is there's, 12 on the left column there's a video title, and then you 13 see that, kind of, gold heading there. It looks like 14 it's separated by years. Do you see that? 15 A Mm-hmm. 16 Q So if you scroll down, you know, say to, 17 looks like entry 107, that would appear, at least 18 based on the structure of the spreadsheet, to capture 19 the training videos that Vivint offers to sales 20 representatives from 2021. Is that accurate? 21 A That, that's what it appears to be. Yes. I 22 didn't create the spreadsheet, but that, that does 23 appear what that's, how it's laid out. 24 Q And so obviously we're not going to, in this 25 deposition, go through every video because there are</p>	<p style="text-align: right;">Page 16</p> <p>1 videos? 2 A Yes. That appears to -- 3 Q -- go ahead. 4 A -- prior sales year. 5 Q And there was, there's also one for 2021. 6 But my question, just generally, is, what type of 7 training is offered, and what is the purpose of that 8 series of videos? 9 MR. STEWARD: Objection. 10 THE WITNESS: -- 11 MR. STEWARD: I'm sorry. Objection. 12 Form. Foundation. 13 THE WITNESS: Yeah. They're, that is 14 the "Thirty Days to Pro." Those are released to our 15 sales reps for the first 30 days of summer. They're 16 our typical selling season. And there's motivation, 17 there's specific trainings. It's a variety of 18 content, but there's, they're released every day and 19 throughout the first 30 days of the summer program. 20 BY MR. EBLEN: 21 Q How are those accessible to the sales force 22 during the first 30 days of summer? 23 A So a link is texted out to the sales rep to 24 our LMS system, and they go on, and they view it in 25 the, our, inside our LMS.</p>
<p style="text-align: right;">Page 15</p> <p>1 hours upon hours of content, but the videos that are 2 contained in these hyperlinks on Vimeo, those would be 3 authorized training videos created by Vivint for sales 4 representatives. Correct? 5 MR. STEWARD: Objection. Form. 6 Foundation. 7 A So there, there's a lot, obviously as you 8 see here, there's a lot of videos. I would need to go 9 through each one to make sure that they were all 10 authorized, but from the few that I'm just 11 spot-checking, I believe those are authorized videos. 12 Q You don't have any reason to believe that 13 the spreadsheet that counsel for Vivint produced in 14 this case would contain unauthorized videos of Vivint. 15 Correct? 16 A No. I don't have reason to believe that. 17 Q Okay. All right. So I won't go through, 18 even, the structure of all of this, but if you go 19 down, then, to, you see on row 108, there's 2020 20 videos. Do you see that? 21 A Yes. 22 Q And then one of the series of videos I'm 23 looking, starting on line or -- let's see here -- row 24 273, it goes up to 243. Looks like a 30 DTP training 25 course. Are you familiar with that bundle of training</p>	<p style="text-align: right;">Page 17</p> <p>1 Q Is that through an iPad that they are given 2 by Vivint? 3 A Yes. 4 Q Are there other ways other than the 5 Vivint-issued iPad that they're able to access this 6 content if they want to? 7 A Yeah. So our training platform can be 8 accessed from any device. They have to log in to 9 Vivint. It's behind Okta, which is how we verify that 10 those viewing it are Vivint's sales representatives 11 that are authorized. 12 Q Did you watch any of the 30-day, DTP series 13 in preparation for your deposition today? 14 A No. 15 Q All right. I'm going to click on day three 16 of the, looks like it was a April 28, 2020, video 17 called "Prospecting". Are you familiar at all with 18 the content of this video? 19 A I'm not -- 20 MR. STEWARD: Hey, Charlie, just 21 because they're bundled by year and you're in a 22 particular year, would you just identify the row for 23 the record so that the -- 24 MR. EBLEN: Yeah. Sure. It's row 270. 25 MR. STEWARD: Okay. Thank you.</p>

<p style="text-align: right;">Page 18</p> <p>1 MR. EBLEN: Yep.</p> <p>2 THE WITNESS: Charlie, based on laid</p> <p>3 out, this does appear to be a prior sales season.</p> <p>4 Right? What sales year is this?</p> <p>5 BY MR. EBLEN:</p> <p>6 Q Yeah. This is from 2020.</p> <p>7 A Okay.</p> <p>8 Q All right. Let me take this down</p> <p>9 temporarily, and then I'm going to share my screen and</p> <p>10 go to that video that I clicked on that should now be</p> <p>11 open on my browser, here. Okay. I'm going to let</p> <p>12 this play for a little bit and then ask you some</p> <p>13 questions about some of the content. Okay?</p> <p>14 (Video played.)</p> <p>15 BY MR. EBLEN:</p> <p>16 Q Before it keeps going, are you able to hear</p> <p>17 it okay?</p> <p>18 A Actually cuts out quite a bit.</p> <p>19 Q Okay. Try it again.</p> <p>20 (Video played.)</p> <p>21 BY MR. EBLEN:</p> <p>22 Q Okay. Were you able to watch the first four</p> <p>23 minutes of that video okay?</p> <p>24 A Yes.</p> <p>25 Q Do you agree that legitimacy is the number</p>	<p style="text-align: right;">Page 20</p> <p>1 A Yeah. You, I mean, you've watched. You saw</p> <p>2 the library videos. There's a number of videos and</p> <p>3 different trainings and approaches that we train on.</p> <p>4 The, and some of our sales reps have different</p> <p>5 approaches -- this approach here is training that that</p> <p>6 is one way to overcome certain objections. As you saw</p> <p>7 in the video, they're, they're identifying a customer</p> <p>8 who sees a need in a secure, home security system and</p> <p>9 also someone that has the values that are willing to</p> <p>10 pay for it. So that, that is one way that our sales</p> <p>11 reps, representatives, will train.</p> <p>12 Q At least that's how it was trained in this</p> <p>13 video. You agree with that?</p> <p>14 A This video, yes.</p> <p>15 Q You would agree that the, in the scenario</p> <p>16 that's being trained there, the existing alarm</p> <p>17 provider already has legitimacy that the person</p> <p>18 knocking on the door does not have. Correct?</p> <p>19 A Can you restate the question?</p> <p>20 Q Sure.</p> <p>21 A I didn't understand what you're ...</p> <p>22 Q Yeah. No problem. So as it relates to</p> <p>23 legitimacy in approaching a home that already has an</p> <p>24 alarm system or an existing alarm provider, the</p> <p>25 company that that homeowner has already chose to</p>
<p style="text-align: right;">Page 19</p> <p>1 one objection to overcome for Vivint door-to-door</p> <p>2 sales reps?</p> <p>3 A I, I think that it's something we</p> <p>4 continually are investing in and trying to build our</p> <p>5 brand, differentiate who we are, but I think it's</p> <p>6 often depending on where the sales representatives are</p> <p>7 knocking, the maybe lesser known name, and also when</p> <p>8 you're knocking on somebody's door, they're not</p> <p>9 expecting you to be there. I, I think certainly that</p> <p>10 is a, an objection that needs to be overcome to help a</p> <p>11 customer understand why you're there and what value</p> <p>12 you have to offer to them. I don't know if it's the</p> <p>13 number one, but it's --</p> <p>14 Q In the --</p> <p>15 A -- yeah.</p> <p>16 Q Sure. In the 30-day direct to pro training,</p> <p>17 legitimacy is offered as the number one objection.</p> <p>18 Correct?</p> <p>19 A Yes.</p> <p>20 Q And in order to minimize the overall number</p> <p>21 of objections that potential customer may have, Vivint</p> <p>22 trains that sales reps should focus on homes with an</p> <p>23 existing alarm system and two cars in the driveway.</p> <p>24 Correct?</p> <p>25 MR. STEWARD: Object as to form.</p>	<p style="text-align: right;">Page 21</p> <p>1 entrust with its security already has legitimacy with</p> <p>2 the homeowner. Correct?</p> <p>3 MR. STEWARD: Object as to form.</p> <p>4 Foundation, vague, and calls for speculation.</p> <p>5 BY MR. EBLEN:</p> <p>6 Q You can answer.</p> <p>7 A Yeah. I, I, I don't know what the customer</p> <p>8 would assume. They, they may or may not be happy or</p> <p>9 very familiar with the security system or the company</p> <p>10 that's providing it. You, you're asking me to make</p> <p>11 some assumptions there.</p> <p>12 Q Yeah. Well, I think, though, it, you would</p> <p>13 agree that in order for the homeowner to initially</p> <p>14 choose the alarm company that it chose, that company</p> <p>15 already had to overcome the legitimacy objection</p> <p>16 that's being outlined in this video. Right?</p> <p>17 A Yeah. I, I don't know, again, how the</p> <p>18 customer acquired the security system, when they moved</p> <p>19 in it was there or -- I mean, there's a variety of</p> <p>20 ways that customer could be a customer. I don't, I,</p> <p>21 I, I really don't know what, what they would've done</p> <p>22 to make that decision.</p> <p>23 Q Well, part of what -- you would agree, part</p> <p>24 of what's being trained here is that in order to get</p> <p>25 to making a sale, you need to be able to ensure that</p>

<p style="text-align: right;">Page 22</p> <p>1 you can overcome all five of those objections. Is 2 that fair?</p> <p>3 A Yes. You need to overcome, you know, 4 certain customers' objections to be able to get a 5 sale. Yes.</p> <p>6 Q Wouldn't you agree that the company that's 7 already being hired by the homeowner in order to gain 8 the homeowner's business would've also had to overcome 9 those same objections?</p> <p>10 MR. STEWARD: Objection. Form, 11 foundation, calls for speculation, and assumes facts 12 not in evidence.</p> <p>13 A Yeah. I, I apologize. I really wouldn't 14 speculate on why the customer bought with the, our, 15 our competitor. We, we train our sales 16 representatives to, you know, talk about who Vivint is 17 and the differentiating factors that bring, that 18 Vivint brings, and we, we know that customers often 19 have service providers that are other than Vivint, 20 and, but we do know that our, our service and our 21 product is far superior, and so yeah.</p> <p>22 I, I don't -- again, I don't know why a 23 customer would buy with a competitor. I don't know 24 what that competitor or the, how the customer acquired 25 their system through that competitor. But again, our,</p>	<p style="text-align: right;">Page 24</p> <p>1 service from that customer, so, or from that prior 2 company. So we, we, we train our sales 3 representatives to clearly articulate who they're 4 with, that they're with Vivint, and what we're 5 providing. There's a reason we're ask, we would, and 6 we would train a sales representative to sell them 7 Vivint even though they have a, a prior, another 8 customer's product. Sorry. Another company's 9 product. So no, we would, we do not train our sales 10 representatives to infer that they're with any other 11 company if that's what you're suggesting.</p> <p>12 Q No. I'm not asking if that's trained. I'm 13 -- my question is, as it relates to legitimacy and 14 overcoming this legitimacy objection, do you agree 15 that if the homeowner believes that the Vivint sales 16 rep has an affiliation with the existing alarm 17 provider that that would be one way to overcome the 18 legitimacy objection?</p> <p>19 MR. STEWARD: Objection. Form, 20 foundation, calls for speculation, and assumes facts 21 not in evidence.</p> <p>22 BY MR. EBLEN:</p> <p>23 Q You can answer.</p> <p>24 A Yeah. I'm, I'm sorry. It, it, again, 25 you've asked this question a couple different ways. I</p>
<p style="text-align: right;">Page 23</p> <p>1 our trainings, we'll focus our sales representatives 2 on what differentiates Vivint and the value of Vivint. 3 We spend a lot of money and time in innovating our 4 products and services. We hold numerous patents for 5 the products and services we have. Our sales 6 representatives are proud of, you know, the products 7 that we have, and we're very proud of, you know -- you 8 know, I, I have one, a system in my home, and I, I'm 9 very proud of what we have.</p> <p>10 So I, I don't, I don't -- again, you're 11 asking me to speculate why somebody would buy a 12 competitor's product and whether they, that company's 13 more legitimate than Vivint. I, I -- maybe I'm not 14 understanding your question, but you may, maybe 15 restate it.</p> <p>16 Q Do you agree that where a homeowner believes 17 that the Vivint sales representative is affiliated 18 with the homeowner's existing alarm company, that 19 would be one way for the Vivint sales rep to overcome 20 the legitimacy objection?</p> <p>21 MR. STEWARD: Objection. Form. 22 Foundation. Calls for speculation.</p> <p>23 A Our, we would not want the customer to 24 believe that we're with their current provider. We 25 don't believe they're being provided a very good</p>	<p style="text-align: right;">Page 25</p> <p>1 -- that is not how we would train our sales 2 representatives to approach a customer, and it would 3 not -- yeah. No. No. I do not think that is the 4 way. We do not train that way, and that is not how we 5 would approach a customer.</p> <p>6 Q All right. Let me go back to the 7 spreadsheet real quick, here.</p> <p>8 A Okay.</p> <p>9 Q You see day 5, one of the things that's 10 trained is transitioning into the house. Are you 11 familiar with that?</p> <p>12 A I don't see your screen anymore.</p> <p>13 Q Oh. I apologize. I forgot to click on it. 14 How about now?</p> <p>15 A That's all right. Not yet. There we go. 16 Yes.</p> <p>17 Q All right. Do you see on row 268, day 5, 18 there's a training session called "Transitioning into 19 the Home"? Do you see that?</p> <p>20 A Yes. Yes.</p> <p>21 Q Do you agree that before a Vivint sales 22 representative goes into a customer's home that the 23 sales representative should get the customer's express 24 approval to enter the home?</p> <p>25 A Yes. And that could -- yes. I believe you</p>

<p style="text-align: right;">Page 26</p> <p>1 need permission.</p> <p>2 Q All right. I'm going to go ahead and click</p> <p>3 on this one. And hold one. Let me stop my screen</p> <p>4 share, and I'll go over to the video. Okay. Can you</p> <p>5 see my browser again?</p> <p>6 A Yes.</p> <p>7 Q All right. Let me start this one over.</p> <p>8 (Video played.)</p> <p>9 BY MR. EBLEN:</p> <p>10 Q Do you agree that in that video Vivint</p> <p>11 trained to not ask the customer for express approval</p> <p>12 to get in the home?</p> <p>13 MR. STEWARD: Objection. Form.</p> <p>14 A Yeah. So through that trainings you can see</p> <p>15 he's, he's seeking to get, you know, you have express</p> <p>16 and implied consent, and so he's, he's seeking for</p> <p>17 those nonverbal cues from the customer welcoming him</p> <p>18 into the home. So we, we do not train customers --</p> <p>19 you heard him say, there, don't rush into the home,</p> <p>20 don't rush the customer. He's working for those cues</p> <p>21 to make a customer feel very comfortable with the</p> <p>22 sales representative being there, giving him a reason</p> <p>23 to be there. But yeah. We, we -- and as you heard</p> <p>24 through the training, it's very, you know, you're,</p> <p>25 you're trying to help the customer feel comfortable.</p>	<p style="text-align: right;">Page 28</p> <p>1 Q And all I'm asking is, do you think that</p> <p>2 that training is an ethical way to do door-to-door</p> <p>3 sales?</p> <p>4 MR. STEWARD: Objection. Form. Asked</p> <p>5 and answered.</p> <p>6 A Yeah. I, I think as I previously stated,</p> <p>7 the sales rep is, is -- is in that training, there,</p> <p>8 Danny's training the sales reps on how to help</p> <p>9 customers feel comfortable with that. They, there's</p> <p>10 nothing, he's not training them to lie or deceive the</p> <p>11 customer. In my opinion as I watch, I don't see where</p> <p>12 he's, would train them to deceive or lie to the</p> <p>13 customer.</p> <p>14 Q Okay. So you think that video trains an</p> <p>15 ethical sales practice. Correct?</p> <p>16 A Yeah. I think the, in the training Danny's</p> <p>17 explained one way to help customers open up their home</p> <p>18 and welcome you into the home.</p> <p>19 Q Is Danny -- is he still with Vivint?</p> <p>20 A Danny is still with Vivint. He's no longer</p> <p>21 a manager. He's, he moved to, away from his main</p> <p>22 hub, and he doesn't, he no longer manages, but he</p> <p>23 still does sale ...</p> <p>24 Q Was he a manager or regional manager?</p> <p>25 MR. STEWARD: -- form. Foundation.</p>
<p style="text-align: right;">Page 27</p> <p>1 Right? And that can come through express and implied</p> <p>2 consent.</p> <p>3 Q And using the different terms that you did,</p> <p>4 you would agree that this gentleman in the Vivint</p> <p>5 training video trains not to seek express verbal</p> <p>6 consent. Correct?</p> <p>7 MR. STEWARD: Objection. Form.</p> <p>8 A I mean, we both watched the same video.</p> <p>9 He's, he's training the customer or training the sales</p> <p>10 reps to again get, help the customer feel comfortable</p> <p>11 with you being on their doorstep and in the home and</p> <p>12 giving you a reason why. He's, you know, again,</p> <p>13 you're looking for verbal and nonverbal cues of that.</p> <p>14 Q Do you think there's anything dishonest or</p> <p>15 unethical about that training video?</p> <p>16 A Yeah. As you watch the training video, like</p> <p>17 I said, it's, he's, you know, they're, we're, he's</p> <p>18 trained not to. You don't want the customer to feel</p> <p>19 uncomfortable. We're not lying about why we're there.</p> <p>20 We're not, we're, we're telling them honestly why</p> <p>21 we're there. He's talking about the security system,</p> <p>22 where you want to put the sensors. And so he's giving</p> <p>23 the customer a reason to say, an opportunity to say no</p> <p>24 but also a reason for him to be in the home and</p> <p>25 explain that to the customer.</p>	<p style="text-align: right;">Page 29</p> <p>1 MR. HANSEN: -- Josh needs to plug into</p> <p>2 power for a second.</p> <p>3 MR. EBLEN: Oh.</p> <p>4 THE WITNESS: I apologize.</p> <p>5 MR. EBLEN: Yeah. No problem.</p> <p>6 THE WITNESS: We're good. Charlie,</p> <p>7 could you say that question one more time, sir?</p> <p>8 BY MR. EBLEN:</p> <p>9 Q Yeah. No problem. Was Danny a regional</p> <p>10 manager or a manager?</p> <p>11 MR. STEWARD: And I -- my objections.</p> <p>12 Form, foundation, and just vague as to time frame.</p> <p>13 A Yeah. I, I don't recall the exact date on</p> <p>14 that video, but Danny has not been a regional manager</p> <p>15 for Vivint.</p> <p>16 Q And the video that we watched, like that</p> <p>17 whole series, is an approved Vivint sales video.</p> <p>18 Correct?</p> <p>19 A Yes.</p> <p>20 Q All right. I'm going to go share my screen</p> <p>21 one more time. As I'm in the process of doing that,</p> <p>22 you agree that sales managers and regional managers</p> <p>23 have influence over how their sales reps sell.</p> <p>24 Correct?</p> <p>25 A Yes. Our sales managers and sales regionals</p>

<p style="text-align: right;">Page 30</p> <p>1 do.</p> <p>2 Q And you agree that Vivint's sales 3 representatives look up to and emulate successful 4 managers and regional managers?</p> <p>5 MR. STEWARD: Objection. Form. 6 Foundation. Calls for speculation as well.</p> <p>7 A Yeah -- yeah. I would say you're, you're 8 asking me to speculate on, on what, you know, our 9 specific sales representatives do, but we, we have a 10 variety of sales -- trainings -- different, different 11 methods, so there's a variety of content we provide.</p> <p>12 Q You agree Vivint trains sales 13 representatives to not reinvent the wheel and use the 14 sales models that have proven successful for more 15 senior managers?</p> <p>16 MR. STEWARD: Objection. Form, 17 foundation, and vague.</p> <p>18 A So I, I've, you've watched, it looks like a 19 -- a lot of our videos. We do have a base, you know, 20 set of trainings that we provide. We have certain 21 required trainings as well, so we have a foundation 22 that we train all sales representatives to follow, and 23 I think you have access to our required trainings.</p> <p>24 Q All right. And you see the spreadsheet 25 again, Mr. Crittenden?</p>	<p style="text-align: right;">Page 32</p> <p>1 Foundation.</p> <p>2 BY MR. EBLEN:</p> <p>3 Q You can answer.</p> <p>4 A Yeah. I haven't gone through every, every 5 training video, but I would, I actually couldn't tell 6 you what one but it, I've heard that often. Yes.</p> <p>7 Q Do you believe that's true?</p> <p>8 MR. STEWARD: Objection. Form.</p> <p>9 A I, I, it, it's one of those cliché sayings, 10 and I, I think it sounds good. I, I think it's a, 11 there's a principle behind it that's kind of teaching 12 people to, like -- the, the little things matter is -- 13 kind of the principle behind it.</p> <p>14 Q Do you think that that motto also holds true 15 for people who choose not to sell the right way?</p> <p>16 MR. STEWARD: Objection. Form.</p> <p>17 A I -- you're ask, you're asking for an 18 assumption on that. I, I, I don't know all aspects of 19 each individual's lives. I, I'm not sure where you're 20 going with that one.</p> <p>21 Q Do you agree that it would be reasonable to 22 believe that sales representatives who got caught 23 engaging in some sort of a deceptive sales practice, 24 that that was not the first time or only time that the 25 representative behaved in that manner?</p>
<p style="text-align: right;">Page 31</p> <p>1 A Yes, sir.</p> <p>2 Q Okay. I'm going to -- I'm on row 257. Do 3 you see that? "Integrity in Presenting". Day 16.</p> <p>4 A Yes.</p> <p>5 Q All right. And I'm going to take that down.</p> <p>6 A Sure.</p> <p>7 Q And I'll share my browser again. All right. 8 Can you see my browser again?</p> <p>9 A Yep. Just -- there we go.</p> <p>10 Q All right. I'm going to go ahead and -- I'm 11 not going to play all of this one. I'm going to play 12 a chunk of it and ask you a couple questions.</p> <p>13 (Video played.)</p> <p>14 BY MR. EBLEN:</p> <p>15 Q All right. So we watched about two minutes 16 of that video on integrity. Did you hear that last 17 quote? "How you do one thing is how you do 18 everything."</p> <p>19 A Yes.</p> <p>20 Q Is that a motto that you've heard before at 21 Vivint?</p> <p>22 A Yeah. I've heard that before. Yes.</p> <p>23 Q And that's in other training videos as well.</p> <p>24 Right?</p> <p>25 MR. STEWARD: Objection. Form.</p>	<p style="text-align: right;">Page 33</p> <p>1 MR. STEWARD: Objection. Form.</p> <p>2 Foundation. Calls for speculation.</p> <p>3 A Yeah. I mean, so you would be kind of 4 speculating on a lot of assumptions there. I think if 5 you have a specific case or situation, we could, we 6 could -- this -- speak to a specific. But ...</p> <p>7 Q Do you agree that if you applied the motto 8 "how you do one thing is how you do everything" 9 literally that for those sales representatives who 10 were known to have a history of deceptive sales 11 practices, that they probably do it often?</p> <p>12 MR. STEWARD: Objection. Form.</p> <p>13 Foundation. Calls for speculation.</p> <p>14 A Yeah. I, I -- this is, I mean, it is not a 15 literal statement. I think, again, the principle 16 behind it is that little, the little things matter and 17 to kind of -- you -- I mean, you heard a lot of -- he 18 had a lot of other sayings in there on, you know, 19 integrity and building trust with the customer and, 20 and speaking honestly and trustworthy. So -- but no. 21 I do not think it's a literal statement, and I don't 22 think ever, you know, customer or a sales rep can be 23 like, classified or characterized by one thing they 24 did.</p> <p>25 Q Did --</p>

<p style="text-align: right;">Page 34</p> <p>1 A Again -- 2 Q Go ahead. 3 A I'll just say if you have a specific sales 4 rep or question, we could maybe speak to that. 5 Q Does Vivint agree with the Mark Twain quote 6 that was read at the start of that training session? 7 MR. STEWARD: Objection. Form. 8 A What was the quote? 9 Q It was about if you tell the truth, then you 10 don't have anything to remember. 11 A Yeah. I think that's a, you know, more -- 12 what Mark Twain's referencing is you wouldn't have to 13 remember why, specifically, and so it's, think it's a 14 good motto to, motto. I like that. 15 Q All right. I'm going to share my screen. 16 While I'm doing this, have you, in your role, ever had 17 any involvement in investigating whether sales 18 representatives commit deceptive sales practices? 19 MR. STEWARD: Object as to form. And, 20 Charlie, you -- 30(b)(6) notice, as you know, defines 21 deceptive sales practices very specifically, and I 22 think in fairness you need to ask this witness or 23 inform this witness if you're referring to that 24 definition. 25 MR. EBLEN: You know what? Why don't I</p>	<p style="text-align: right;">Page 36</p> <p>1 Q Okay. Any names that you can think of? 2 A None, none off the top of my head and would 3 want to make sure it's pertinent to this situation 4 before I use any names. 5 Q Could you give me just an estimate, in your 6 recollection, of how many you've recommended the 7 termination of in your tenure at Vivint? 8 A Honestly I, I'd be guessing off the top of 9 my head. It, I, I don't have a number off the top of 10 my head. I apologize. 11 Q No problem. But could you provide any 12 estimate? Is it more than a hundred? 13 A No. I do not believe it would be more than 14 a hundred. 15 Q More than a dozen? 16 A Yes. 17 Q More than 50? 18 A Yeah. Probably around, you know, I've been 19 here ten, been five years -- probably five to ten 20 years. But again, our, these investigations are 21 handled by our compliance team. They go through 22 those, and they primarily handle that -- occasionally 23 they, you know, come to me before it gets to them, and 24 I'll, I'll send the investigation to them to make sure 25 that there is a proper and thorough investigation of</p>
<p style="text-align: right;">Page 35</p> <p>1 -- I'll back up and ask a different question. 2 BY MR. EBLEN: 3 Q Mr. Crittenden, you're aware that Vivint 4 has a code of ethics and a code of compliance. Right? 5 A Yes. 6 Q Have you ever been involved, in your role, 7 in investigating whether or not sales representatives 8 have violated Vivint's code of ethics or code of 9 compliance? 10 A Yes. Primarily investigations like that are 11 done by our compliance team, but they will often ask 12 questions and, about a specific sales rep or how 13 difference, you know, the sales transactions and our 14 sales tools or about their character. And so I, I've 15 been involved in some of those. But again, the 16 investigations are done and handled by our compliance 17 team. 18 Q Have you ever recommended the termination of 19 any sales representative for a deceptive sales 20 practice or compliance violation? 21 MR. STEWARD: Objection. Form, 22 compound, and vague as to deceptive sales practice. 23 A If you're asking if I've ever recommended 24 that we terminate a sales rep, yes, we have. I 25 personally have. Yes.</p>	<p style="text-align: right;">Page 37</p> <p>1 the sales rep and, and, or actually the practice 2 they're investigating. 3 Q All right. I'm now looking at rows 503 to 4 510. 5 A Okay. 6 Q Are you familiar with that particular sales 7 manager, Otto Zelaya? 8 A I'm familiar with him. He no longer is a 9 sales representative of ours. 10 Q When did he leave? 11 A I do not know the date off the top of my 12 head. 13 Q He was a manager. Correct? 14 A I believe he was a, a manager with us. I 15 believe he was. 16 Q And it would appear from the spreadsheet 17 that was produced that he taught sales training 18 courses at Vivint. Correct? 19 A Yes. It looks, looks like it's quite a 20 while ago, but based on how the spreadsheet's been 21 organized I believe that would be a few years, a few 22 years ago. 23 Q Was Mr. Zelaya terminated for compliance or 24 code of ethics violations? 25 MR. STEWARD: Objection. Form.</p>

<p style="text-align: right;">Page 38</p> <p>1 Foundation.</p> <p>2 A I'm not familiar with the conditions around</p> <p>3 his termination.</p> <p>4 Q In your role were you aware that Mr. Zelaya</p> <p>5 had problems with code of ethics or compliance</p> <p>6 violations?</p> <p>7 A Like I said earlier, I, I, I'm not familiar</p> <p>8 with the, his termination and his departure. He, it</p> <p>9 was a number of years ago. Was in a different role at</p> <p>10 that time.</p> <p>11 Q All right. If you go down on the</p> <p>12 spreadsheet to 519, do you see where it says "Jason</p> <p>13 Newby full sale"?</p> <p>14 A Yes.</p> <p>15 Q And Jason Newby, you know, was a regional</p> <p>16 manager at Vivint. Right?</p> <p>17 A Yes. Jason Newby had two or three teams</p> <p>18 that he did manage.</p> <p>19 Q And Mr. Newby was terminated from Vivint in</p> <p>20 2020 for deceptive sales practices. Correct?</p> <p>21 MR. STEWARD: Objection. Form.</p> <p>22 Foundation.</p> <p>23 A That is correct. He was terminated for</p> <p>24 cause.</p> <p>25 Q Do you agree that the folks who are used to</p>	<p style="text-align: right;">Page 40</p> <p>1 previously, if we acknowledge of this, you know,</p> <p>2 compliance-related issues with the sales</p> <p>3 representative or leader, we would not have them do</p> <p>4 trainings, and that we would be public -- public or,</p> <p>5 or recorded. And again, all actions that we get</p> <p>6 reported, our compliance team reviews those and, and</p> <p>7 deems appropriate, you know, actions.</p> <p>8 Q All right.</p> <p>9 A Applies those.</p> <p>10 Q Do you see row 523? There's a video called</p> <p>11 "The Porsche Incentive". What was that?</p> <p>12 A It looks like it was filmed a while ago. I,</p> <p>13 I do not recall, but I do know we'll do different</p> <p>14 incentives that will give, provide a sales</p> <p>15 representative a lease to a car.</p> <p>16 Q All right. So do you believe in this</p> <p>17 instance "The Porsche Incentive" related to a sales</p> <p>18 incentive that would provide a Porsche lease to the</p> <p>19 sales representative that won the contest?</p> <p>20 MR. STEWARD: Objection. Form.</p> <p>21 Foundation. Calls for speculation.</p> <p>22 A I wouldn't want to speculate without</p> <p>23 watching the video, but again, I can't recall every</p> <p>24 video that we've created.</p> <p>25 Q But again, as with all of these links that</p>
<p style="text-align: right;">Page 39</p> <p>1 train other Vivint sales representatives through these</p> <p>2 videos are people that sales representatives would</p> <p>3 look up to?</p> <p>4 MR. STEWARD: Objection. Form. Calls</p> <p>5 for speculation.</p> <p>6 A As you see, as you've gone through our</p> <p>7 trainings, we have a, a large number and variety of</p> <p>8 sales reps that we use in our trainings, and at, you</p> <p>9 know, we do our best to make sure that they have good</p> <p>10 sales practices and behaviors. At the point of us</p> <p>11 doing this, we, there is a review process they go</p> <p>12 through. We can't predict what they would do after</p> <p>13 the fact or anything that we haven't seen, so it's,</p> <p>14 it's not unreasonable that you would have somebody</p> <p>15 that later, down the road, may commit some, commit</p> <p>16 something that would be "terminationable" or fireable,</p> <p>17 and you're correct. You're -- Jason Newby was</p> <p>18 terminated for cause subsequent to this filming of</p> <p>19 this training.</p> <p>20 Q Do you agree that it sets a bad example for</p> <p>21 younger sales representatives to have a regional</p> <p>22 manager in training videos who has had problems with</p> <p>23 compliance or deceptive sales practices?</p> <p>24 MR. STEWARD: Objection. Form.</p> <p>25 A Yes. And, and again, like I, I stated</p>	<p style="text-align: right;">Page 41</p> <p>1 were provided in litigation through counsel, you don't</p> <p>2 doubt that any of the videos that are contained in</p> <p>3 this spreadsheet through the hyperlinks are official</p> <p>4 training videos of Vivint. Correct?</p> <p>5 MR. STEWARD: Objection. Form.</p> <p>6 Foundation.</p> <p>7 A I don't have reason to believe that they</p> <p>8 were.</p> <p>9 Q It looks like you've been involved in some</p> <p>10 of the training. I see 5/28, 5/29, there's buyouts</p> <p>11 and Fortiva training. Correct?</p> <p>12 A Yes. Occasional. Yes.</p> <p>13 Q Were you also in a video mountain biking and</p> <p>14 your knee got real torn up?</p> <p>15 A Yes.</p> <p>16 Q Have you healed up from that?</p> <p>17 A Kind of. I'm getting a, I'm getting back.</p> <p>18 Q Okay. What is Fortiva?</p> <p>19 A Fortiva is one of our financing partners.</p> <p>20 Q Is Fortiva still a financing partner?</p> <p>21 A Yes.</p> <p>22 Q And when you say financing partner, Fortiva</p> <p>23 provides direct to consumer loans for the cost of the</p> <p>24 equipment. Is that right?</p> <p>25 A Yes.</p>

<p style="text-align: right;">Page 42</p> <p>1 Q And that's the same thing that Citizens One 2 Bank also does. Is that correct? 3 A Yes. That's correct. 4 Q Is there any type of compensation that 5 Vivint sales managers or representatives receive that 6 would not be reported on Vivint pay stubs? 7 MR. STEWARD: Objection. Form. 8 Foundation. Calls for speculation and beyond the 9 scope of the 30(b)(6) notice. 10 A You're, you're asking me, is there any 11 compensation that is not reported on their pay stubs. 12 So I, I do not, you know, report our sales 13 representatives' pay stubs. I do not know how they 14 come up with those numbers. I would assume that it 15 does include all of their compensation. 16 Q All right. I'm going to stop sharing this 17 screen and switch to some other documents. Give me 18 just a second, here. 19 UNIDENTIFIED SPEAKER 1: Is this a good 20 time to take a break? 21 MR. EBLEN: Yeah. That's fine. You 22 want to take five minutes? 23 UNIDENTIFIED SPEAKER 2: Yeah. 24 UNIDENTIFIED SPEAKER 1: Yeah. 25 UNIDENTIFIED SPEAKER 2: Come back in</p>	<p style="text-align: right;">Page 44</p> <p>1 Q Okay. And just to identify it for the 2 record, we've marked this as Plaintiff's Trial Exhibit 3 245. It's also marked Vivint 3660. Do you know what 4 type of document this is? 5 (Exhibit Plaintiff's 245 was marked for 6 identification.) 7 MR. STEWARD: In fairness, if you could 8 kind of show it to him in a way he can at least scan 9 it, Charlie. 10 MR. EBLEN: Yeah. Sure. 11 MR. STEWARD: It's not all on one page. 12 MR. EBLEN: Yeah. I'll go through it 13 slowly. 14 BY MR. EBLEN: 15 Q Are you able to see the top of a page at 16 this point, Mr. Crittenden? 17 A Yes. Yes, I can. Yes. 18 Q All right. Scroll about halfway down and 19 see if you can see the rest of it. To me this appears 20 to be some type of internal Vivint news article 21 related to a sales competition. Is that right? 22 A Yes. 23 Q And where are these articles accessible 24 within Vivint's databases? 25 A Yeah, so these are posted on what's called</p>
<p style="text-align: right;">Page 43</p> <p>1 five. Thanks. 2 MR. EBLEN: Okay. 3 (Off the record.) 4 THE WITNESS: Been recovering from a 5 cold so been taking some cough drops and water. So 6 ... 7 MR. EBLEN: No worries. 8 MR. STEWARD: Hey, Charlie, can we just 9 clarify something? On the spreadsheet you asked him 10 about -- it has the 615 entries. I think you asked 11 him if those were all training videos, and he agreed 12 with you, but I don't think that's accurate. I think 13 there certainly are training videos on the 14 spreadsheet, but I think it includes other videos. So 15 if we could just clean that bit up, that would be, I 16 would appreciate it. 17 MR. EBLEN: Yeah. Let me -- I'll come 18 back to that. Let me go where my head is real quick, 19 and I'll get back to ... 20 MR. STEWARD: Okay. 21 BY MR. EBLEN: 22 Q All right. I'm going to share my screen 23 with you, Mr. Crittenden. Are you able to see this 24 document okay? 25 A Yes.</p>	<p style="text-align: right;">Page 45</p> <p>1 the Insider. Insider's a internal website that reps, 2 representatives have to access with their Vivint login 3 and credentials, and we post a variety of things on 4 there. This is, this would be one posted on there. 5 Like you said, kind of, you know, internally written, 6 kind of a news article if you will, reviewing a, one 7 of our preseason competitions is what it appears to 8 be. 9 Q And where it says, up at the top, upper 10 right-hand corner there, it says "corporate everyone 11 sales". Do you see that? 12 A Yes. 13 Q Does that mean that everybody within the 14 sales department at Vivint would have access to these 15 articles, at least during the time frame in which 16 they're run? 17 A I believe so. 18 Q And so one of the purposes of these types of 19 articles that update about sales competitions and 20 things would be to promote the success of 21 representatives who have done well in the 22 competitions. Is that accurate? 23 A Yeah. It reviews, you know, who competed, 24 and typically it gives a little, little bit of a 25 highlight on what happened.</p>

<p style="text-align: right;">Page 46</p> <p>1 Q Do you know Josh Coen? 2 A I'm familiar with Josh Coen. Yes. 3 Q A former regional manager of Vivint. Right? 4 A Josh Coen was a manager. I don't believe he 5 ever hit regional status, and I think, I think he had 6 a team that he managed while he was with us, but I 7 don't ... 8 Q Is Gunnar -- oh, sorry. Are you finished? 9 A Yeah. No, I'm fine. 10 Q Is Gunnar Thorderson or however you 11 pronounce that, is he still with Vivint? 12 A I do not, I don't believe so. Like, I'd 13 have to, have to check our system -- 14 Q And Mr. Coen was terminated for deceptive 15 sales practices. Correct? 16 MR. STEWARD: Objection. Form. 17 A I'm not familiar with all of the details 18 around his termination. Again, as I stated before, 19 our compliance team handles those and does those 20 investigations and terminations, so I'm not familiar 21 with the specific details of his, of his termination. 22 I do know, like you stated, he was terminated for 23 cause. 24 Q Okay. Got you. All right. I'm going to go 25 to P 246. Can you see that okay?</p>	<p style="text-align: right;">Page 48</p> <p>1 Q Was Josh Adams -- is he still with Vivint? 2 A I, I'm familiar with the name. I do not 3 believe he's with us, but I'd have to check our 4 records to verify. 5 Q Do you know if he was terminated for cause? 6 A Like I said, I don't, I'd have to check our 7 records to see if he is or is still with Vivint or 8 terminated. I don't, I can't recall everyone that's 9 been terminated. 10 Q The name Ogletree down here in the second to 11 last paragraph, he was terminated for cause. Right? 12 A We've had a sales representative with the 13 last name of Ogletree work for us. Yes. And I 14 believe he was terminated for cause. 15 Q Same with Kurtis Kunz? 16 A Kurtis Kunz I'm not as familiar with. I 17 couldn't tell you. 18 Q All right. Let me go to -- this is 19 Plaintiff's Exhibit 247. Do you see this one? 20 (Exhibit Plaintiff's 247 was marked for 21 identification.) 22 A Yes. 23 Q And it looks like it's available to the same 24 audience on Vivint's internal website. Is that fair? 25 A Yes.</p>
<p style="text-align: right;">Page 47</p> <p>1 (Exhibit Plaintiff's 246 was marked for 2 identification.) 3 A I can. Yes. 4 Q And it's essentially the same format as the 5 last article we looked at. Correct? 6 A Yes. 7 Q And does the content of this also appear to 8 be reporting who's doing well in the Valentine's Day 9 championship? 10 A Yes. That is what it appears to be. 11 Q And it speaks again to Mr. Coen. Right? 12 A Yes. That's what it looks like. 13 Q Some of these names at the top, Tristan 14 Pears. Are you familiar with Mr. Pears? 15 A Yes. 16 Q Is he still with Vivint? 17 A Yes. He is. 18 Q Trey Dougher. Are you familiar with Mr. 19 Dougher? 20 A Yes. 21 Q He was terminated for cause. Correct? 22 A Correct. 23 Q Colton Ramon, terminated for cause. 24 Correct? 25 A I believe Colton was.</p>	<p style="text-align: right;">Page 49</p> <p>1 Q And if you go down to the bottom of this -- 2 well, actually, first, this is dated June 8, 2020. 3 Right? 4 A Yes. That is what it appears. 5 Q Do you know Mr. Brandon McGrew? 6 A I do not know him personally. No. 7 Q Do you see the second to the last question 8 in what appears to be an interview with him, what his 9 goals are at Vivint? Do you see that? 10 A The second to last question? Yeah. 11 Q Yes. And the last thing that he says in 12 response to that question is that he wants to be the 13 next Jordan Binning. Do you see that? 14 A I can see that. Yes. 15 Q And Mr. Binning was a highly successful 16 sales representative who was fired for cause twice. 17 Correct? 18 MR. STEWARD: Objection. Form. 19 Foundation. 20 A Jordan Binning did work for us, yes, and he 21 was terminated for cause. 22 Q And before he left he had the largest 23 regional sales group at Vivint. Correct? 24 MR. STEWARD: Objection. Form. 25 Foundation.</p>

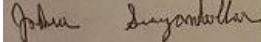
<p style="text-align: right;">Page 50</p> <p>1 A There were several similar size. He, he 2 had, he had a large group that he did lead. Yes. 3 Q All right. Let me show you one more 4 document. This one's a little bit different. I'll 5 scroll through this one, and this is a multi-page, 6 this is a six-page document, but it looks like, at 7 least from the title, it's a 2018 competitions rule 8 book. Are you familiar, generally, with that type of 9 document?</p> <p>10 A Yes.</p> <p>11 Q All right. And just for the record this is 12 Plaintiff's Trial Exhibit 211. And I don't have a lot 13 of specific questions, but it looks like the last two 14 pages list out a series of competitions. One is "The 15 Tour". Do you see that?</p> <p>16 (Exhibit Plaintiff's 211 was marked for 17 identification.)</p> <p>18 A Yes. Yeah. You, you kind of skipped 19 through it quickly, so I don't know everything we've 20 missed there, but yes. I see what you're looking at.</p> <p>21 Q Is "The Tour", based on your experience at 22 Vivint, is that a competition that Vivint holds every 23 year?</p> <p>24 A I mean, we, we'll change the names of these 25 tournaments and competitions often, and I don't</p>	<p style="text-align: right;">Page 52</p> <p>1 THE WITNESS: I don't know everything 2 about COVID yet. I'm still learning.</p> <p>3 MR. EBLEN: I think we're safe. Just 4 as long as you don't give COVID to any more of my 5 Chiefs players before the game tonight.</p> <p>6 MR. STEWARD: Go ahead.</p> <p>7 THE WITNESS: I'm so sorry.</p> <p>8 MR. STEWARD: No. Take a minute, Josh, 9 and --</p> <p>10 MR. EBLEN: -- yeah. Are you good? Or 11 do you need a break?</p> <p>12 THE WITNESS: I'm good. I got a cough 13 drop and some water.</p> <p>14 MR. EBLEN: Okay.</p> <p>15 THE WITNESS: And you were asking about 16 the --</p> <p>17 BY MR. EBLEN:</p> <p>18 Q Yeah. Is the "Premier League [ph]" one that 19 Vivint holds annually?</p> <p>20 A Yes.</p> <p>21 Q What about "Viper"?</p> <p>22 A Yes. That's one we ran for a few -- all -- 23 those three are, are kind of -- they're ones we've ran 24 for a few years. Yes. And --</p> <p>25 Q "Thirty Days to Pro"? Is that an annual</p>
<p style="text-align: right;">Page 51</p> <p>1 believe we run that more than one year. I think that 2 was one year that we ran that.</p> <p>3 Q And there it says that the top competition 4 purse is between 10,000 and 30,000 dollars. Right?</p> <p>5 A Yes. I can see that.</p> <p>6 Q And then there's one called "Pickup Games". 7 Do you see that?</p> <p>8 A Yeah. As you read these, just as I'm -- I'm 9 not familiar with -- you've probably read this closer 10 than I have, here. It's been a while for me -- but 11 what you may note is when you see dollar amounts on 12 these competitions, they are, more often than not they 13 are prizes that are, equate to that value instead of a 14 cash prize. So there's a variety of ways that these 15 prizes are fulfilled.</p> <p>16 Q Let me ask this: "The Cup," I understand, is 17 a competition Vivint has done every year for quite 18 some time. Is that right?</p> <p>19 A Yes.</p> <p>20 THE WITNESS: It's not COVID, Charles. 21 I'm, I tested.</p> <p>22 MR. EBLEN: I hope not.</p> <p>23 THE WITNESS: And I don't think it can 24 go through this, here.</p> <p>25 MR. EBLEN: No. I --</p>	<p style="text-align: right;">Page 53</p> <p>1 event?</p> <p>2 A Yes.</p> <p>3 Q And then these, each section then generally 4 sets out some of the rules and the prizes that can be 5 won for the competitions. Is that fair?</p> <p>6 A Yes. That's what it looks like.</p> <p>7 Q In your position as a vice president of 8 sales, if you wanted to know how much money Vivint was 9 bringing in by an individual state, would you have 10 access to that?</p> <p>11 MR. STEWARD: Objection. Form.</p> <p>12 Foundation.</p> <p>13 A How, how much money Vivint is collecting 14 from customers in specific state? Is that your 15 question?</p> <p>16 Q Correct. Yes. Correct.</p> <p>17 A I, I've never looked at that. I, I imagine 18 if I, if I needed that, and I could, I could access 19 that. I, I've never accessed that or looked at the 20 business that way.</p> <p>21 Q If you wanted to undertake that task of, 22 say, finding how much money Vivint was bringing in, in 23 a specific state, where within Vivint's information 24 would you look?</p> <p>25 MR. STEWARD: Objection. Form.</p>

<p style="text-align: right;">Page 54</p> <p>1 Foundation. Misstates testimony. Vague as to 2 bringing money in, and I caution the witness not to 3 speculate. If he doesn't have knowledge, he doesn't 4 have knowledge.</p> <p>5 BY MR. EBLEN:</p> <p>6 Q Go ahead.</p> <p>7 MR. STEWARD: If you want to re-ask it, 8 I mean --</p> <p>9 MR. EBLEN: Sure. Yeah.</p> <p>10 MR. STEWARD: Bringing money in.</p> <p>11 MR. EBLEN: Sure.</p> <p>12 BY MR. EBLEN:</p> <p>13 Q If Vivint, in terms of all of the customer 14 recurring revenue that was being paid by customers in 15 a specific state, where would you look within Vivint's 16 recordkeeping or databases to try and find that 17 information?</p> <p>18 MR. STEWARD: Objection. Form, 19 foundation, and vague. I mean, that's a -- so now 20 you're asking recurring? I don't understand what you 21 mean by recurring.</p> <p>22 MR. EBLEN: Yeah.</p> <p>23 BY MR. EBLEN:</p> <p>24 Q All of the -- I'm just asking, if Vivint 25 wanted to find out all of the money in a given year</p>	<p style="text-align: right;">Page 55</p> <p>1 that question over.</p> <p>2 In your role are you responsible for 3 overseeing that the Vivint sales force, so regional 4 managers and managers, comply with Vivint's rules as 5 far as social media use to recruit new sales 6 representatives?</p> <p>7 A We do have a social media policy that we do, 8 that we communicate out to our sales force. We have, 9 as we've stated, thousands of sales representatives.</p> <p>10 It's very difficult to know what's being posted or how 11 it's being posted. So it's, it's difficult to 12 monitor. We do have certain things that get flagged, 13 but we, we have a policy that's communicated clearly 14 out to the sales force on social media and how to use 15 that.</p> <p>16 Q Do you agree that one of the ways Vivint 17 managers recruit new sales people is to boast about 18 how much money they make?</p> <p>19 MR. STEWARD: Objection. Form. Calls 20 for speculation.</p> <p>21 BY MR. EBLEN:</p> <p>22 Q Have you ever seen that in social media or 23 otherwise?</p> <p>24 A You, you asked, is that one of the ways -- 25 I, I -- our sales reps have variety of ways that they</p>
<p style="text-align: right;">Page 55</p> <p>1 that was being brought in by customers in a given 2 state, where would you look to find that information?</p> <p>3 MR. STEWARD: Okay. Objection. Form, 4 foundation, and goes beyond the scope of what this 5 witness was noticed for.</p> <p>6 If you know and you have knowledge, let 7 him know. If you don't, let him know that as well.</p> <p>8 A Like I said, I, that's not how I look at the 9 business. Yeah. I, I don't know where I would go to 10 get that information. I would imagine our accounting 11 and finance teams could have access to that. That's 12 not something I've ever looked at or would see need 13 for my current role.</p> <p>14 Q The document that we just looked at, is 15 there something, like, in form, is there a document 16 like that that's generated every year that describes 17 the various competitions that take place?</p> <p>18 A Yeah. I don't know where that specific 19 document came from. It looked, looked somewhat 20 familiar. It could be gathered from a few different 21 sources, but we do lay out our competitions that we 22 have for the upcoming season, the time, time frame 23 those are participated in. So yes. In some form or 24 fashion we lay that out.</p> <p>25 Q Do you train -- or actually let me start</p>	<p style="text-align: right;">Page 57</p> <p>1 recruit. That's not the primary way we recruit. When 2 sales representatives talk about the pay scale and how 3 the, the earning opportunity would be, that's 4 certainly a part of the conversation as with any job. 5 You talk about the compensation, earning opportunity.</p> <p>6 When you say most of the, the earning 7 opportunity, I, I don't know, you know, what you're 8 referring to or speculating there, but again, we 9 would, do train our sales representatives to clearly 10 describe to -- force and as they recruit reps how the 11 compensation works and, and, and what that opportunity 12 looks like. That is part of the recruiting process.</p> <p>13 Yes.</p> <p>14 Q Do you agree that part of the recruiting 15 process involves advertising a flashy lifestyle that 16 they could live working with Vivint?</p> <p>17 MR. STEWARD: Objection. Form.</p> <p>18 Foundation.</p> <p>19 A You say flash, a flashing style? I don't --</p> <p>20 Q Yes.</p> <p>21 A -- know what you're -- with that.</p> <p>22 Q A lavish lifestyle. One doing, you know, 23 fancy things. Fancy cars. Do you agree that that is 24 part of what is advertised in the recruiting process 25 to get new Vivint sales reps?</p>

<p style="text-align: right;">Page 58</p> <p>1 A When, when you say advertise, we, we don't, 2 we don't do paid advertisements to recruit. We, our 3 sales managers often recruit on college campuses or 4 inside their personal networks and circles of 5 influence, so there's not a, there's not a, any paid 6 advertisements that the company sends out.</p> <p>7 Q All right. I'm going to share my screen 8 with you real quick. Mr. Crittenden, you're on 9 Facebook. Right?</p> <p>10 A Yes.</p> <p>11 Q Okay. Does this look like your Facebook 12 profile?</p> <p>13 A Yes.</p> <p>14 Q All right. And you know that one of the 15 things that Facebook tracks are your, people who are 16 your friends. Correct?</p> <p>17 A Yes.</p> <p>18 Q And you're friends with Josh Coen. Right?</p> <p>19 A That appears to be so. Yes.</p> <p>20 Q You've met Josh Coen. Correct?</p> <p>21 A Yes.</p> <p>22 Q And does that look to you like Josh Coen?</p> <p>23 A Yes. That does look, that is, that looks 24 like the Josh Coen that worked for Vivint. Yes.</p> <p>25 Q Okay. I'd like to ask you just a few</p>	<p style="text-align: right;">Page 60</p> <p>1 BY MR. EBLEN:</p> <p>2 Q I'm getting to --</p> <p>3 A You, you've, you've probably now spent more 4 time on my Facebook than I have. I'm not on social 5 media very often. I will accept friend requests when 6 they come across and, you know, give them my position. 7 A lot of our sales rep force have requested being a 8 friend on Facebook. Yeah. I, I do not have a lot of 9 time on social media. So --</p> <p>10 Q No. I --</p> <p>11 A You, you've probably --</p> <p>12 Q I --</p> <p>13 A -- more than I have.</p> <p>14 Q I appreciate that. So okay. So I'm looking 15 at a post from Josh Coen on November 9, 2019. It's 16 about a guy name Nolan Detlefson. Do you know who 17 Nolan Detlefson is?</p> <p>18 A Yes. I do.</p> <p>19 Q Okay. And have you met him before?</p> <p>20 A I have. Yes.</p> <p>21 Q And does that look like Mr. Detlefson 22 standing by -- I don't know if that's a Lamborghini or 23 a Ferrari with a Vivint shirt on.</p> <p>24 A It's kind of small on my screen. It, it 25 appears to be. Again, I cannot, can't tell, quite.</p>
<p style="text-align: right;">Page 59</p> <p>1 questions about some of his posts related to 2 recruiting.</p> <p>3 A Okay.</p> <p>4 Q To find out whether or not you deem them to 5 be consistent with what Vivint allows its managers to 6 use to market to new recruits. So --</p> <p>7 MR. STEWARD: Charlie, what does this 8 possibly have to do with CPIs claims? I mean, you got 9 to be kidding me. This is --</p> <p>10 MR. EBLEN: Well, I'm --</p> <p>11 MR. STEWARD: -- this is what you're, 12 this is how you want to spend the time?</p> <p>13 MR. EBLEN: I don't have much left, so 14 yeah. This is. I mean, we can disagree 15 philosophically on this, and I'm sure you'll seek to 16 keep it out. But ...</p> <p>17 MR. STEWARD: Well, it's more, you 18 know, witnesses have rights to not have their time 19 wasted and being harassed through --</p> <p>20 MR. EBLEN: I'm not -- no. I'm not 21 harassing him, and I'm not wasting his time.</p> <p>22 MR. STEWARD: Well, you are in the 23 sense that it bears absolutely no relationship to CPIs 24 allegations, but go ahead.</p> <p>25 MR. EBLEN: All right. Okay.</p>	<p style="text-align: right;">Page 61</p> <p>1 It's a, it's kind of small. I, and I'm not familiar 2 with every detail of the case here that we're 3 discussing, but I am confused at how this would relate 4 to the CPI case. If you could tie that together, that 5 would help.</p> <p>6 Q No. I appreciate your position there. And 7 my question is simply, is this the kind of marketing 8 from sales managers that Vivint condones as a company?</p> <p>9 MR. STEWARD: Objection. Form.</p> <p>10 Assumes facts not in evidence. Foundation.</p> <p>11 A I have -- you, you, you scrolled through a 12 long list of posts he's made here. I haven't read 13 every one. And it's a picture of a, a person by a 14 car. I, I don't, I, I really struggle to know what 15 you're asking for. We do have a social media policy. 16 Our counsel can provide that to you if you deem that 17 important for the case, here. They can, they can 18 review that for you. But I -- not, not following the 19 question or the pertinence here.</p> <p>20 Q Yeah. No. I appreciate that. But I'm 21 just, I'm asking you if a post like this where he's 22 wearing a Vivint shirt and Josh Coen is describing his 23 success, is that something that Vivint would authorize 24 individual managers to do to recruit new sales people?</p> <p>25 MR. STEWARD: Objection. Form.</p>

<p style="text-align: right;">Page 62</p> <p>1 Foundation. Mischaracterizes the evidence.</p> <p>2 A Yeah. So again, happy to provide you our</p> <p>3 social media policy. We have thousands of sales</p> <p>4 representatives and cannot control what they post or</p> <p>5 how they post and do, do not have any guidance</p> <p>6 instructing sales representatives to post anything</p> <p>7 like this. This is not part of our recruiting</p> <p>8 trainings.</p> <p>9 Q All right. What type of sales tracking</p> <p>10 software do you use to evaluate sales rep performance?</p> <p>11 MR. STEWARD: Objection. Form.</p> <p>12 Foundation.</p> <p>13 A Type of software?</p> <p>14 Q Yes. What program?</p> <p>15 A So Insider is the website that reports the</p> <p>16 data, and that, there's a page on Insider called</p> <p>17 Mobile Report. Again, this is internally developed,</p> <p>18 so I don't know what software specifically is powering</p> <p>19 that. I don't know the relevance to the type of</p> <p>20 software.</p> <p>21 Q Does Vivint use any monitoring software</p> <p>22 provided to monitor social media for violations of the</p> <p>23 policy?</p> <p>24 A I, I, I, I don't know. It's not something I</p> <p>25 have information on.</p>	<p style="text-align: right;">Page 64</p> <p>1 BY MR. EBLEN:</p> <p>2 Q All right. I got ahead of myself. Okay.</p> <p>3 Can you see my screen again, Mr. Crittenden?</p> <p>4 A Yes.</p> <p>5 Q All right. And this is Plaintiff's 95 that</p> <p>6 we've been looking at that has the list of videos. Do</p> <p>7 you see that there are some videos on here that look</p> <p>8 like they may have, they may cover topics other than</p> <p>9 sales training? Is that accurate?</p> <p>10 (Exhibit Plaintiff's 95 was marked for</p> <p>11 identification.)</p> <p>12 A Yeah. Those are, these are, this is a list</p> <p>13 of videos, not sales training only. Other content</p> <p>14 here.</p> <p>15 Q Okay. And have you had time to just</p> <p>16 generally familiarize yourself with this list? I'm</p> <p>17 not saying specifically watch all of them, but have</p> <p>18 you at least scrolled through the list to see the</p> <p>19 types of videos that are on here?</p> <p>20 A No. Not other than what you've, I've</p> <p>21 watched you scroll through today.</p> <p>22 Q Okay. But again, you don't have any reason</p> <p>23 to believe that any of these videos are unauthorized</p> <p>24 videos that Vivint didn't create for the purposes of</p> <p>25 either its sales force or its employees; do you?</p>
<p style="text-align: right;">Page 63</p> <p>1 Q In Vivint software do you have the ability</p> <p>2 to look up how many customers Vivint has in specific</p> <p>3 markets? Whether it's by state or city or other</p> <p>4 region?</p> <p>5 MR. STEWARD: Objection. Form.</p> <p>6 Foundation. Goes beyond the scope of what this</p> <p>7 witness was asked to know.</p> <p>8 A You're asking me specifically or a general</p> <p>9 question about a sales rep? Whose access are you</p> <p>10 asking about?</p> <p>11 Q Yours.</p> <p>12 A Mine. So I don't look at the business that</p> <p>13 way. I don't have any reports that do that, so I, I</p> <p>14 don't, I don't have anything accessible. I imagine</p> <p>15 our data team could pull that, but again, it's not</p> <p>16 something I, I've ever accessed, necessarily, in the</p> <p>17 way you're asking.</p> <p>18 MR. EBLEN: All right. Let's take five</p> <p>19 minutes, here. I think I'm pretty close to done.</p> <p>20 MR. STEWARD: Hey, Charlie. Just --</p> <p>21 THE REPORTER: Time is 5:42 p.m. We</p> <p>22 are now off the record.</p> <p>23 (Off the record.)</p> <p>24 THE REPORTER: The time is 5:48 p.m.</p> <p>25 We are now back on the record.</p>	<p style="text-align: right;">Page 65</p> <p>1 MR. STEWARD: Objection. Form.</p> <p>2 THE WITNESS: I, I would want to scroll</p> <p>3 through that. You asked that a few times. I would</p> <p>4 want to make sure I would go through that, the whole</p> <p>5 list, here.</p> <p>6 MR. STEWARD: Yeah. I mean --</p> <p>7 MR. EBLEN: Okay.</p> <p>8 MR. STEWARD: There's 615 entries. So</p> <p>9 ...</p> <p>10 THE WITNESS: Yeah. I, I'd want, I'd</p> <p>11 want to go through it, but again, and I don't believe</p> <p>12 all of these are still active. I, I would want to</p> <p>13 check those too as what's active and, you know, and</p> <p>14 how long the duration it was active for. So there's</p> <p>15 a, there's a, probably more you would want to look at,</p> <p>16 here, and there's a lot of list, a lot of videos on</p> <p>17 this list.</p> <p>18 BY MR. EBLEN:</p> <p>19 Q Well, what are some of the other videos used</p> <p>20 for?</p> <p>21 A Well, as you go through, there's promotion</p> <p>22 content. There's recognition. You know, we've had</p> <p>23 videos that summarize some of the sales incentive</p> <p>24 trips. There's highlight videos. There's, you know,</p> <p>25 videos that promote to the competition and review,</p>

<p style="text-align: right;">Page 66</p> <p>1 like, show the prizes. There's -- again, there's good 2 variety of videos here.</p> <p>3 Q The videos that promote competitions, are 4 you involved with their creation?</p> <p>5 A No. Well, I mean, again, that team that 6 films them does report to me, but I don't, I'm not out 7 filming with them. No.</p> <p>8 Q And the idea behind those videos is to, you 9 know, create a video that encourages the sales force 10 to participate in the competition. Is that generally 11 correct?</p> <p>12 MR. STEWARD: Objection. Form, 13 foundation, and vague as to idea.</p> <p>14 BY MR. EBLEN:</p> <p>15 Q Well, I mean -- what -- I'll ask a better 16 question. What is the purpose for the sales 17 competition videos?</p> <p>18 A Yeah. I'm sure you watched a few of them. 19 We will show some of the different items that can be 20 won, and it's, you know, it's meant to be played in 21 the team correlation meetings, which -- training, talk 22 about the rules. And so we would review the rules, 23 and we'll go over what prizes that can be won. And 24 it's often played in our team correlations throughout 25 the summer.</p>	<p style="text-align: right;">Page 68</p> <p>1 year. So there's, there's a variety of reasons they 2 use it. They're often -- again, it's a, it 3 commemorates an important part of the year and adds 4 fun to show for the team.</p> <p>5 MR. STEWARD: Charlie, is CPI claiming 6 that it won an award that it didn't receive in one of 7 these competitions?</p> <p>8 BY MR. EBLEN:</p> <p>9 Q Do you know what the average sales rep 10 salary is?</p> <p>11 A So, Charlie, our sales reps don't have a 12 salary. Our sales representatives are paid on a 13 commission basis.</p> <p>14 Q Do you know what the average sales rep makes 15 per year?</p> <p>16 A I don't know that off the top of my head. 17 We have, we have about 4500 reps that made a sale for 18 us last year.</p> <p>19 Q Does Vivint disclose sales rep compensation 20 numbers?</p> <p>21 A Individual --</p> <p>22 MR. STEWARD: I'm sorry. Object as to 23 form. Vague.</p> <p>24 THE WITNESS: Are you asking about an 25 individual's personal compensation?</p>
<p style="text-align: right;">Page 67</p> <p>1 Q Are there also videos that are created 2 related to trips that sales representatives can go on 3 as an incentive for sales competitions?</p> <p>4 A Yeah. I believe -- again, I haven't gone 5 through this full list, but I believe -- I mean, row 6 50 there, that's a video highlighting one of the sales 7 incentive trips that we went on. It's taking pictures 8 from the trip and families that were together on that 9 trip. So I think -- that, that's what that one would 10 be.</p> <p>11 Q Are there also videos related to award 12 ceremonies?</p> <p>13 A Again, I have not scrolled through all, all 14 of these here, but we do have our video team film 15 those. Again, I don't know what has all been provided 16 here or what they end up using.</p> <p>17 Q What's the purpose for filming videos 18 related to the awards shows?</p> <p>19 A We like to capture, you know, the full 20 experience of what the, involves working for Vivint, 21 and those are often used to show potential recruits 22 what the full experience looks like. It's a, it's 23 a -- they're often fun events where they, you know, 24 the sales reps and the teams will dress up with their, 25 their spouses or significant others and celebrate the</p>	<p style="text-align: right;">Page 69</p> <p>1 BY MR. EBLEN:</p> <p>2 Q Yes.</p> <p>3 A If they're, with their permission, they, if 4 they share that, we, you know, we allow a sales 5 representative to talk about their compensation.</p> <p>6 Q What about averages? Are averages 7 disclosed?</p> <p>8 A It depends on the medium we're displaying 9 that, but sometimes we'll show an average.</p> <p>10 Q What are the contexts in which that might 11 occur?</p> <p>12 A So we, we'll, we make a recruiting brochure 13 sometimes that talks about the opportunity, who Vivint 14 is, what differentiates us, what we invest in our, in 15 marketing, what we invest in product innovation. So a 16 recruiting brochure would entail a lot of things to 17 talk about the opportunity to talk about the job and 18 who we're recruiting. In that we may show averages, 19 again, over the years. We've been in business a long 20 time. We, we've shown average compensation figures. 21 But again, that's, that's one component in the 22 recruiting process.</p> <p>23 Q Are you able to look up the number of 24 customers Vivint has in a given state?</p> <p>MR. STEWARD: Objection.</p>

<p style="text-align: right;">Page 70</p> <p>1 THE WITNESS: No. 2 MR. STEWARD: Form. I'm sorry. 3 Objection. Form. Foundation. Beyond the scope. 4 THE WITNESS: No. I'm, I, I am not 5 able to. You've asked that a few times. I, that's 6 not how I look at the business. I don't have that 7 data.</p> <p>8 BY MR. EBLEN:</p> <p>9 Q What type of data do you assess for purposes 10 of assessing how sales are going?</p> <p>11 A Well, obviously look at sales numbers, and 12 we look at, at, by teams. We look at per rep 13 averages. We look at number of reps with a sale. 14 We'll look at the different components of how many 15 cameras they're selling. The, there's a variety of 16 things we look at but more, more around sales 17 performance as a whole with the company and then also 18 down by specific teams and, and by regions. 19 But again, when, when you hear us say region 20 and, and team, we're not summarizing that by a 21 geographic region. A regional is somebody that's over 22 multiple teams. So there's nothing -- we don't look 23 at the business geographically at all. It, it's 24 looked at holistically, total numbers and then by, by 25 the different teams and regions. But again, that's</p>	<p style="text-align: right;">Page 72</p> <p>1 CERTIFICATE OF DEPOSITION OFFICER 2 I, JOSHUA SEAGONDOLLAR, the officer before 3 whom the foregoing proceedings were taken, do hereby 4 certify that any witness(es) in the foregoing 5 proceedings, prior to testifying, were duly sworn; 6 that the proceedings were recorded by me and 7 thereafter reduced to typewriting by a qualified 8 transcriptionist; that said digital audio recording of 9 said proceedings are a true and accurate record to the 10 best of my knowledge, skills, and ability; that I am 11 neither counsel for, related to, nor employed by any 12 of the parties to the action in which this was taken; 13 and, further, that I am not a relative or employee of 14 any counsel or attorney employed by the parties 15 hereto, nor financially or otherwise interested in the 16 outcome of this action.</p> <p style="text-align: center;"> JOSHUA SEAGONDOLLAR Notary Public in and for the State of North Carolina</p> <p>17 [X] Review of the transcript was requested.</p>
<p style="text-align: right;">Page 71</p> <p>1 not geographic.</p> <p>2 MR. EBLEN: All right. I think that's 3 all the questions that I have for you.</p> <p>4 MR. STEWARD: Okay. And no questions 5 for me. Thanks, Josh.</p> <p>6 THE WITNESS: Okay. Thank you.</p> <p>7 MR. EBLEN: Thanks.</p> <p>8 THE REPORTER: So just to clarify, so 9 how would we like to handle transcript orders?</p> <p>10 MR. STEWARD: Yeah. I think we both 11 have standing orders with Veritext for this.</p> <p>12 MR. EBLEN: Yeah. We do. We'll need a 13 rush just as fast as you can, not on the video but on 14 the transcript.</p> <p>15 THE REPORTER: All right.</p> <p>16 MR. EBLEN: And we'll send to you all 17 the exhibits that were used so that that's clear.</p> <p>18 THE REPORTER: All right, then.</p> <p>19 (Signature reserved.)</p> <p>20 (Whereupon, at 5:57 p.m., the 21 proceeding was concluded.)</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 73</p> <p>1 CERTIFICATE OF TRANSCRIBER 2 I, ERICA MAKUCH, do hereby certify that this 3 transcript was prepared from the digital audio 4 recording of the foregoing proceeding, that said 5 transcript is a true and accurate record of the 6 proceedings to the best of my knowledge, skills, and 7 ability; that I am neither counsel for, related to, 8 nor employed by any of the parties to the action in 9 which this was taken; and, further, that I am not a 10 relative or employee of any counsel or attorney 11 employed by the parties hereto, nor financially or 12 otherwise interested in the outcome of this action.</p> <p style="text-align: center;"> ERICA MAKUCH</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

<p style="text-align: right;">Page 74</p> <p>1 MATTHEW A. STEWARD, ESQUIRE 2 mas@clydesnow.com 3 December 20, 2021 4 RE: CPI Security Systems, Inc. v. Vivint Smart Home, Inc. 5 12/16/2021, Joshua Crittenden (#4997856) 6 The above-referenced transcript is available for 7 review. 8 Within the applicable timeframe, the witness should 9 read the testimony to verify its accuracy. If there are 10 any changes, the witness should note those with the 11 reason, on the attached Errata Sheet. 12 The witness should sign the Acknowledgment of 13 Deponent and Errata and return to the deposing attorney. 14 Copies should be sent to all counsel, and to Veritext at 15 Erratas-cs@veritext.com. 16 17 Return completed errata within 30 days from 18 receipt of testimony. 19 If the witness fails to do so within the time 20 allotted, the transcript may be used as if signed. 21 22 Yours, 23 Veritext Legal Solutions 24 25</p>	<p style="text-align: right;">Page 76</p> <p>1 CPI Security Systems, Inc. v. Vivint Smart Home, Inc. 2 Joshua Crittenden (#4997856) 3 ACKNOWLEDGEMENT OF DEPONENT 4 I, Joshua Crittenden, do hereby declare that I 5 have read the foregoing transcript, I have made any 6 corrections, additions, or changes I deemed necessary as 7 noted above to be appended hereto, and that the same is 8 a true, correct and complete transcript of the testimony 9 given by me. 10 11 _____ 12 Joshua Crittenden Date 13 *If notary is required 14 SUBSCRIBED AND SWORN TO BEFORE ME THIS 15 _____ DAY OF _____, 20____. 16 17 18 _____ 19 NOTARY PUBLIC 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 75</p> <p>1 CPI Security Systems, Inc. v. Vivint Smart Home, Inc. 2 Joshua Crittenden (#4997856) 3 E R R A T A S H E E T 4 PAGE ____ LINE ____ CHANGE _____ 5 _____ 6 REASON _____ 7 PAGE ____ LINE ____ CHANGE _____ 8 _____ 9 REASON _____ 10 PAGE ____ LINE ____ CHANGE _____ 11 _____ 12 REASON _____ 13 PAGE ____ LINE ____ CHANGE _____ 14 _____ 15 REASON _____ 16 PAGE ____ LINE ____ CHANGE _____ 17 _____ 18 REASON _____ 19 PAGE ____ LINE ____ CHANGE _____ 20 _____ 21 REASON _____ 22 _____ 23 _____ 24 Joshua Crittenden Date 25</p>	

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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